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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 LINNIELL PHIPPS,
9 Plaintiff,

10 v.

11 ELDON VAIL, et al.,
12 Defendants.

Case No. C11-5093BHS


ORDER ADOPTING REPORT
AND RECOMMENDATION

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14 This matter comes before the Court on the Report and Recommendation ("R&R") of
15 the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 44).

16 The Court has considered the R&R and the remaining record, and no objections to the
17 R&R having been filed, does hereby find and order as follows:

- 18 (1) The R&R is **ADOPTED**;
19 (2) Defendants' motion for summary judgment is **GRANTED**;
20 (3) Plaintiff's in forma pauperis status is **REVOKED**; and
21 (4) This action is **DISMISSED**.

22 DATED this 13th day of February, 2012.

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25 BENJAMIN H. SETTLE
26 United States District Judge
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ORDER